

*(Signature)*

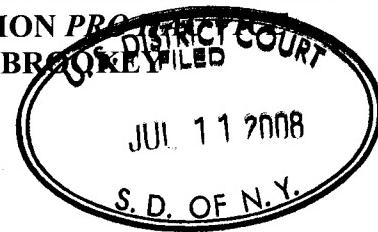
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 FREDERICK RANDOLPH, )  
                         )  
                         Plaintiff, )  
                         )  
                         v. )  
                         )  
 NEW TOP, INC., LUCASINI CLASSICS, )  
 INC. and DON JONATHAN )  
 CRAVATS, INC., )  
                         )  
                         Defendant )  
 -----x

Civil Action No.: 08 CV 4598 (CVS)

Honorable Judge Sullivan

**NOTICE OF MOTION AND MOTION  
FOR ADMISSION PRO HAC VICE  
OF BRIAN K. BROOKEY**



**PLEASE TAKE NOTICE** that pursuant to Local Civil Rule 1.3(c), the undersigned for defendant, LUCASINI CLASSICS, INC., hereby moves this court before the Honorable Judge Sullivan for an order permitting Mr. Brian K. Brookey of the law firm Christie, Parker & Hale, LLP, 350 West Colorado Boulevard, Pasadena, California to appear in this civil action and represent defendant, as co-counsel in this matter *pro hac vice*. An affidavit of Mr. Brookey for admission is attached in support of this Motion. As demonstrated in the Affidavit and Certificate of Good Standing annexed thereto, Mr. Brookey is a member in good standing of the Bar of the State of California and has no pending disciplinary proceedings against him in any state or federal court. The relief sought in this Motion is based on said Affidavit, therefore it is believed no brief is required for this Motion. Proof of Service is attached herewith.

**WHEREFORE**, it is respectfully requested that this Court enter the attached [Proposed] Order permitting Brian K. Brookey to represent Defendant, in this matter on a *pro hac vice* basis.

Dated: New York, New York  
July 8, 2008

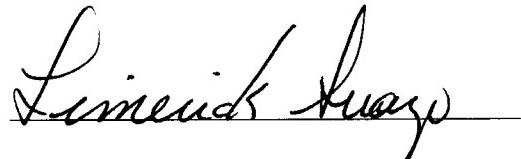
*(Handwritten signature over typed name)*  
 By: \_\_\_\_\_  
 Douglas A. Miro (DM 2535)  
 Ostrojenk, Faber, Gerb & Soffen, LLP  
 1180 Avenue of the Americas  
 New York, NY 10036  
 Telephone: (212) 382-0700  
 Facsimile: (212) 382-0888  
 Attorney for Defendant  
 Lucasini Classics, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Notice of Motion and Motion for Admission of Brian K. Brookey to the Bar of this Court *Pro Hac Vice*, Affidavit of Brian K. Brookey in Support of Motion to Admit Counsel *Pro Hac Vice and [Proposed] Order for Admission of Brian K. Brookey *Pro Hac Vice**** was served upon counsel on July 8, 2008 via first class mail:

Charles von Simson  
von Simson & Chin LLP  
62 William Street – Sixth Floor  
New York, New York 10005

Stephen M Chin  
von Simson & Chin LLP  
62 William Street – Sixth Floor  
New York, New York 10005

A handwritten signature in black ink, appearing to read "Leanneck Huang", is written over a horizontal line.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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FREDERICK RANDOLPH,	)	Civil Action No.: 08 CV 4598 (CVS)
Plaintiff,	)	Honorable Judge Sullivan
v.	)	
NEW TOP, INC., LUCASINI CLASSICS, INC. and DON JONATHAN CRAVATS, INC.,	)	<b>AFFIDAVIT OF BRIAN K. BROOKLEY IN SUPPORT OF MOTION TO ADMIT COUNSEL <i>PRO HAC VICE</i></b>
Defendant	)	

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I, Brian K. Brookey, being duly sworn, hereby deposes and says as follows:

1. I am Counsel to the law firm of Christie, Parker & Hale, LLP.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate(s) of Good Standing annexed hereto I am a member in good standing of the Bar of the State(s) of California.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this one case.

Dated: July 3, 2008

Respectfully submitted,

By:

Brian K. Brookey  
Christie, Parker & Hale, LLP  
350 West Colorado Boulevard  
Pasadena, California 91109-7068  
Telephone: (626) 683-4524  
Facsimile: (626) 577-8800

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

- See Attached Document (Notary to cross out lines 1–6 below)  
 See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this

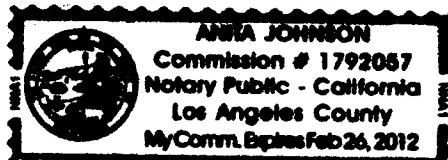
3<sup>rd</sup> day of JULY, 2008, by  
 Date Month Year

(1) BRIAN K. BROOKLEY,  
 Name of Signerproved to me on the basis of satisfactory evidence  
 to be the person who appeared before me (.) (.)

(and)

(2) \_\_\_\_\_,  
 Name of Signerproved to me on the basis of satisfactory evidence  
 to be the person who appeared before me.)Signature Anita Johnson

Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Further Description of Any Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER #1**  
 Top of thumb here

**RIGHT THUMBPRINT OF SIGNER #2**  
 Top of thumb here



**THE STATE BAR  
OF CALIFORNIA**

**MEMBER SERVICES CENTER**

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180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

June 27, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, BRIAN KENT BROOKLEY, #149522 was admitted to the practice of law in this state by the Supreme Court of California on December 4, 1990; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FREDERICK RANDOLPH,	x
Plaintiff,	)
v.	)
NEW TOP, INC., LUCASINI CLASSICS, INC. and DON JONATHAN CRAVATS, INC.,	)
Defendant	)

Civil Action No.: 08 CV 4598 (CVS)

Honorable Judge Sullivan

**[PROPOSED] ORDER FOR  
ADMISSION OF BRIAN K. BROOKEY  
*PRO HAC VICE***

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The motion for admission to practice *pro hac vice* in the above captioned matter is granted. The admitted attorney, Brian K. Brookey, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

An attorney to practice *pro hac vice* is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. An attorney admitted *pro hac vice* must serve a copy of this Order on all other counsel in this case.

Dated: \_\_\_\_\_, 2008.

By: \_\_\_\_\_  
Hon. Richard J. Sullivan  
United States District Judge